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MAY 20 2003

In re Application of:
Daniel A. Nepela : DECISION TO WITHDRAW
Application No. 09/648,006 : HOLDING
Filed: August 3, 1998 : OF ABANDONMENT
Attorney Docket No. A26996D2 :
:

This decision is in response to the communication filed on March 6, 2003, requesting that the Notice of Abandonment be withdrawn. The communication has been treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 for which no fee is required.

The petition is **granted**.

An Office action was mailed April 19, 2002. A reply to the Office action was filed on June 12, 2002. The application was held abandoned on the basis that the reply was filed after the expiration of the period for reply set by the Office action and a Notice of Abandonment was mailed on February 14, 2003.

Petitioner contends that the above-identified Office action set a three month shortened statutory period for reply, and that the reply sent on May 31, 2002, and received by Office on June 12, 2003, was within the 3-month period.

A review of the application file record reveals that the above identified Office action set a three month shortened statutory period for reply which would have expired on July 19, 2002. Accordingly, the reply filed on June 12, 2002, was timely filed and the Notice of Abandonment was mailed in error.

For the above stated-reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for continued prosecution, including consideration of the reply.

Inquiries regarding this decision should be directed to Ed Glick at (703) 308-4858.



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